

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50365 of 2018

Arising Out of PS. Case No.-159 Year-2018 Thana- PARBATTa District- Khagaria

Banshidhar Mishra S/o Krishna Nand Mishra, R/o Vill.- Bela Bharat Khand,
P.S.- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Mr.Smt. Gulnar Begam

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 03-05-2019 This is an application for grant of anticipatory bail in connection with Parbatta (Bharatkhand) P.S. Case No.159 of 2018, disclosing offences under Section 304(B) of the Indian Penal code.

Case is under Section 304(B) of the I.P.C. and the allegation against the petitioner is of causing death of his wife by setting her on fire.

Submission of learned counsel for the petitioner is that marriage was solemnized in the year 2002 whereas occurrence took place in the year 2018 and as such there is non allegation of Section 304(B) of the Indian Penal Code and furthermore, the deceased had accidentally met with burn injury and for saving her, the petitioner has also received burn injury, which is annexed as Annexure-2.



Heard learned A.P.P. also, who opposed the prayer for anticipatory bail of the petitioner on the ground that son of the deceased has clearly stated that it is the petitioner and others who set her on fire and thereafter taken her to hospital and there is no material available on record in the case diary that shows that the petitioner has also received burn injury.

Having heard both sides, in view of the facts and circumstances as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, hence prayer for anticipatory bail of the petitioner is rejected, rather he should surrender and make prayer for regular bail, which will be considered on its merit.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

Amjad/SKSuman.

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